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8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 BYUNG HOON CHUNG, individually;  
13 DUK BONG CHUNG, individually;  
14 MYUNG BIN CHUNG, individually;  
15 KUO CHUL CHUNG, individually; on behalf  
of themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 MICHAEL MUKASEY, Attorney General  
19 of the United States; DEPARTMENT OF  
20 HOMELAND SECURITY; MICHAEL  
CHERTOFF, Secretary of DHS;  
and DOES 1 through 20, inclusive

21 Defendants.

) No. C 07-5554 SC

) **JOINT STATUS CONFERENCE**  
) **STATEMENT**

) Date: June 13, 2008

) Time: 10:00 a.m.

22 The parties hereby submit this joint status conference statement as a supplement to the joint  
23 case management statement that they previously filed on March 28, 2008.<sup>1</sup>

24 **I. Background**

25 The plaintiffs, Byung Hoon Chung, Duk Bong Chung, Myung Bin Chung, and Kuo Chul  
26 Chung (collectively, "the Chungs"), are natives and citizens of South Korea who have been  
ordered removed from the United States by an Immigration Judge. The Board of Immigration

27  
28 <sup>1</sup>The case management conference was originally scheduled for April 4, 2008, but was re-  
scheduled by the Court to June 13, 2008.

1 Appeals affirmed the Immigration Judge's removal order and the United States Court of Appeals  
2 for the Ninth Circuit has recently (on May 13, 2008) denied the Chungs' petition for review. *See*  
3 *Chung v. Mukasey*, 9<sup>th</sup> Circuit Appeal No. 06-71728. The Chungs have filed a petition for en banc  
4 review with the Ninth Circuit, which is pending.

5 The Chungs filed the current action on October 31, 2007, seeking a declaration from this Court  
6 that their removal order is invalid and an injunction barring the government from executing their  
7 removal order. The Chungs' removal order is based on the fact that the Chungs obtained their  
8 alien registration cards ("green cards") through Leland Sustaire, a former employee of the  
9 Immigration and Naturalization Service (INS), who was using his government position to sell  
10 fraudulent green cards. The Chungs deny any knowledge of the fraud that was committed by  
11 Sustaire.

## 12 **II. Status of Case**

13 The government has filed a motion to dismiss the Chungs' action pursuant to Fed. R. Civ. P.  
14 12(b)(1) and 12(b)(6). A hearing on the motion was scheduled for May 23, 2008, but this Court  
15 vacated the hearing. The motion to dismiss is pending.

## 16 **III. Proposed Course of Action**

17 In the interest of judicial economy, the parties jointly ask this Court to extend the date of the  
18 case management conference to a date after the Court resolves the government's motion to  
19 dismiss. If the Court has not dismissed the action, the parties will file a joint case management  
20 statement at least seven days in advance of the revised case management conference date.

22 Dated: June 9, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

24 /s/  
EDWARD A. OLSEN  
25 Assistant United States Attorney

26 Dated: June 9, 2008

27 /s/  
ALEX C. PARK  
28 Attorney for Plaintiffs

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Date:

\_\_\_\_\_  
SAMUEL CONTI  
United States District Judge